

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EUGENE LUMLEY, Individually and on Behalf
of All Other Persons Similarly Situated,

Plaintiffs,

-against-

UNITED STATES TRUST COMPANY, N.A.,
BANK OF AMERICA, N.A., JOHN DOES #1-
10, Jointly and Severally,

Defendants.

USDC
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: June 2 2008

No. 08 CV 3993 (SAS) (AJP)

(TPG)

STIPULATION EXTENDING THE
TIME TO ANSWER, MOVE OR
OTHERWISE RESPOND

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff EUGENE LUMLEY, Individually and on Behalf of All Other Persons Similarly Situated ("Plaintiff") and Defendant BANK OF AMERICA, N.A. ("Defendant" or "BANA"), through their respective counsel undersigned below, that the time for Defendant to answer, move, or otherwise respond to the Complaint filed by Plaintiff in the above captioned matter is extended to and including June 2, 2008. BANA waives any defense based on defective or improper service of process or based on lack of personal jurisdiction.

IT IS ALSO HEREBY STIPULATED AND AGREED that BANA is the successor in interest to Defendant United States Trust Company, N.A. ("U.S. TRUST") because effective February 22, 2008, U.S. TRUST merged with and into BANA and thereafter U.S. TRUST ceased to exist as a legal entity.

Dated: New York, New York
May 20, 2008

ORRICK, HERRINGTON & SUTCLIFFE LLP

Attorneys for Defendant

By: 

Amee B. Florin

Dated: New York, New York
May 20, 2008

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SO ORDERED:


UNITED STATES DISTRICT JUDGE
5/30/08